

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
v.	:	Civil No.
	:	
ONE 2007 MERCEDES BENZ S550,	:	
VIN WDDNG86X57A145596,	:	
	:	
Defendant.	:	
	:	
[CLAIMANT: HEATHER HEMINGWAY] :	:	July 8, 2019

VERIFIED COMPLAINT OF FORFEITURE

Plaintiff, United States of America, by and through its attorneys, John H. Durham, United States Attorney for the District of Connecticut, and John B. Hughes, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is an action to forfeit and condemn to the use and benefit of the United States of America the following property, One 2007 Mercedes Benz S550, VIN WDDNG86X57A145596 ("Defendant Vehicle") for violations of 21 U.S.C. § 881(a)(4).

THE DEFENDANT IN REM

2. The defendant is One 2007 Mercedes Benz S550, VIN WDDNG86X57A145596 registered to Heather Hemingway.

3. The Defendant Vehicle is currently in the custody of the United States Marshal's Service.

JURISDICTION AND VENUE

4. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant Vehicle. This Court has jurisdiction over an action commenced by the United States pursuant to 28 U.S.C. § 1345, and over an action for forfeiture pursuant to 28 U.S.C. § 1355(a).

5. This Court has *in rem* jurisdiction over the Defendant Vehicle under 28 U.S.C. 1355(b). Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the Defendant Vehicle pursuant to 18 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

6. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

7. Heather Hemingway has filed an administrative claim of ownership of the Defendant Vehicle.

BASIS FOR FORFEITURE

8. The Defendant Vehicle is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(4) because it constitutes a conveyance which was used, or intended to be used, to facilitate the transportation, sale, receipt, possession or concealment of a controlled substance in violation of the Controlled Substances Act, 21 U.S.C. §§ 801 et seq.

BACKGROUND OF INVESTIGATION

9. In June of 2018, law enforcement initiated an investigation of cocaine and heroin traffickers operating in the greater New London, Connecticut area. Law enforcement identified that leader of the drug trafficking organization as Anthony Whyte (“Whyte”). Antoine Forbes (“Forbes”), the boyfriend of the Claimant Heather Hemingway (“Hemingway”), was identified by law enforcement through confidential sources, surveillance, PEN Registers and a Title III wire intercept on seven target telephones, as a daily purchaser of between seven and eleven grams of cocaine from Whyte.

10. On November 21, 2018, law enforcement established surveillance of Whyte’s “stash apartment” located at 13 Washington Street New London, CT (“13 Washington”). At approximately 2:46 p.m., law enforcement observed Forbes enter 13 Washington. At this same time, law enforcement observed an individual named Ramel General (“General”), a member of the drug trafficking organization, arrive at 13 Washington, park the black SUV he was driving at 13 Washington, retrieve a bag from the front passenger seat of the SUV, and enter 13 Washington with the bag. Earlier on this day, law enforcement received information via wire intercepts from Whyte and General’s phones that Forbes would be travelling to 13 Washington to purchase narcotics.

11. A short time later, Forbes was observed exiting 13 Washington and walking down the street. Two minutes later, Forbes was observed driving the Defendant Vehicle in the immediate area. Law enforcement followed the Defendant Vehicle and observed Forbes make several U Turns and circle the same block several times in an attempt to perform counter-surveillance of law enforcement. At one point, Forbes pulled the Defendant Vehicle

alongside a law enforcement vehicle and stared at the officer. Surveillance was terminated at this time.

12. On November 28, 2018, law enforcement again established surveillance of 13 Washington. Law enforcement observed Whyte open the front door of the residence and let Forbes inside. At this time, law enforcement observed a hand-to-hand transaction between Whyte and Forbes. Law enforcement then observed Forbes exit 13 Washington, walk a short distance, enter the Defendant Vehicle, and depart the area. At this time, law enforcement observed Hemmingway in the front passenger seat of the Defendant Vehicle, accompanying Forbes.

13. On December 27, 2018 at 12:30 p.m., law enforcement established surveillance at 13 Washington. A short time later, law enforcement observed Forbes driving the Defendant Vehicle in the area of 13 Washington. Forbes originally pulled the Defendant Vehicle into the driveway of 13 Washington but decided to exit the driveway and park the Defendant Vehicle on nearby Huntington Street. Forbes was observed exiting the Defendant Vehicle and walking directly to, and entering, 13 Washington. A short time later, Forbes was observed exiting 13 Washington.

14. On January 7, 2019, law enforcement established surveillance at 13 Washington to observe a meeting between General and Forbes, which was discovered from information on pen activity retrieved from a cell phone. Law enforcement observed Hemingway driving the Defendant Vehicle with Forbes in the front passenger seat. Hemingway parked the Defendant Vehicle on the side of the road across from 13 Washington. Forbes exited the Defendant Vehicle, quickly entered and exited 13 Washington, and returned to the Defendant Vehicle. A

short time later, law enforcement observed Hemingway driving the Defendant Vehicle away from the area with Forbes once again in the front passenger seat.

15. On January 28, 2019, law enforcement established surveillance of 13 Washington. Law enforcement observed Forbes, operating the Defendant Vehicle, park in the lot on the side of 13 Washington. A short time later, General was observed entering the passenger side front door of the Defendant Vehicle. General then exited the Defendant Vehicle and entered 13 Washington. A short time later, General exited 13 Washington and reentered the Defendant Vehicle. General then exited the Defendant Vehicle and entered his own vehicle. Both Forbes and General left the area in their respective vehicles.

16. On January 29, 2019, law enforcement established surveillance of 13 Washington and observed Forbes arriving at 13 Washington in the Defendant Vehicle and parking in the side lot. A short time later, General was observed arriving at the same lot. General was observed entering 13 Washington, exiting a short time later, and entering the Defendant Vehicle through the front passenger door. General then exited the Defendant Vehicle and both he and Forbes left the area in their respective vehicles.

17. On February 3, 2019, law enforcement established surveillance on 13 Washington. Law enforcement observed Forbes arrive at 13 Washington driving the Defendant Vehicle. A short time later, Forbes was observed entering 13 Washington. A short time later, Forbes was observed leaving 13 Washington accompanied by Whyte. Forbes left the area in the Defendant Vehicle.

18. On February 21, 2019, law enforcement executed federal search warrants and federal arrest warrants for 13 individuals. Law enforcement arrested Forbes at 30 Hobart Street,

Westerly, RI for Conspiracy to Possess with Intent to Distribute Narcotics. The Defendant Vehicle was seized at this time from this location.

19. After Forbes was arrested and detained pretrial, law enforcement monitored Forbes' recorded prison calls.

20. On February 22, 2019, during a recorded prison call, Forbes asks Hemingway to collect narcotics debts individuals owe him.

21. On February 23, 2019, Hemingway is recorded saying to Forbes, "they didn't take no one else's car, just yours."

22. On February 24, 2019, Hemingway tells Forbes that she has pictures of the money Forbes used to purchase the Defendant Vehicle. Hemmingway said Forbes purchased the Defendant Vehicle on September 5, 2017 and registered it in Hemmingway's name on September 8, 2017.

23. On February 25, 2019, Hemmingway was recorded repeating the timeline for the purchase of the Defendant Vehicle by Forbes and his registering it in her name.

24. The Defendant Vehicle was seized by the Drug Enforcement Administration on February 21, 2019 because it was used, or intended to be used, to facilitate the transportation, sale, receipt, possession or concealment of a controlled substance in violation of the Controlled Substances Act 21 U.S.C. §§ 801 et seq., and is, therefore, subject to forfeiture to the United States of America pursuant to 21 U.S.C. § 881(a)(4).

WHEREFORE, the United States of America prays that a Warrant of Arrest In Rem for One 2007 Mercedes Benz S550, VIN WDDNG86X57A145596 be issued; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that

judgment be entered declaring the Defendant Vehicle to be condemned and forfeited to the United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and proper.

Respectfully submitted,

JOHN H. DURHAM
UNITED STATES ATTORNEY

/s/ John B. Hughes
ASSISTANT U.S. ATTORNEY
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DECLARATION

I am a Special Agent of the Drug Enforcement Administration and the case agent assigned the responsibility for this case.

I have read the contents of the foregoing Verified Complaint of Forfeiture, and it is true to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8th day of July, 2019.

/s/ Keith J. Warzecha
KEITH J. WARZECHA
SPECIAL AGENT
DRUG ENFORCEMENT ADMINISTRATION